

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
:  
DONALD HESS and ELIZABETH PADILLA,  
individually and on behalf of all others similarly situated, :

Plaintiffs, :

-against- :

BED BATH & BEYOND INC., :

Defendant. :

1:21-cv-04099(AT)(RWL)

**DECLARATION OF JEFFREY**  
**H. RUZAL IN SUPPORT OF**  
**DEFENDANT'S MOTION TO**  
**DISMISS**

----- X  
:  
Jeffrey H. Ruzal, an attorney admitted to practice in the United States District Court of  
the South District of New York, declares, pursuant to 28 U.S.C. 1746, under penalty of perjury,  
as follows:

1. I am a partner in the law firm of Epstein Becker & Green, P.C., counsel for Defendants  
Bed Bath & Beyond Inc. ("BBB").

2. I submit this declaration in support of Defendant's motion to dismiss Plaintiff's  
Complaint for the purpose of providing copies of materials cited in Defendant's Memorandum of  
Law in Support of Motion to Dismiss.

3. Attached as **Exhibit A** is a copy of New York State Department of Labor  
Commissioner's Order against IKEA U.S., Inc. dated Oct. 7, 1994.

4. Attached as **Exhibit B** is a copy of the New York State Industrial Board of Appeals  
Decision Wah Chan Wong v. Comm'r of Labor, Docket No. PR 12-090 (N.Y. Indust. Bd. of  
Appeals Oct. 26, 2016).

5. Attached as **Exhibit C** is a copy of the New York State Industrial Board of Appeals Decision Sheng Wang Zhang v. Comm'r of Labor, Docket No. PR 12-180 (N.Y. Indust. Bd. of Appeals Jul. 13, 2016).

6. Attached as **Exhibit D** is a copy of the New York State Industrial Board of Appeals Corrected and Reissued Decision Popermhem v. Comm'r of Labor, Docket No. PR 13-153, (N.Y. Indust. Bd. of Appeals Feb. 5, 2016).

7. Attached as **Exhibit E** is a copy of the New York State Industrial Board of Appeals Decision Gerson v. Comm'r of Labor, Docket No. PR 10-361 (N.Y. Indust. Bd. of Appeals Nov. 5, 2014).

8. Attached as **Exhibit F** is a copy of the New York State Session Law 1890, Ch. 388 §§ 1–2, dated May 21, 1890.

9. Attached as **Exhibit G** is a copy of New York General Laws, Ch. 32, Art. 1 § 11, dated March 13, 1897.

10. Attached as **Exhibit H** is a copy of Session Law 1966, Ch. 548 § 191, dated June 14, 1966.

11. Attached as **Exhibit I** is a copy of the Amendments to New York Labor Law § 198.

12. Attached as **Exhibit J** is a copy of New York Bill Jacket, 2010 S.B. 8380, Ch. 564, dated Dec 10, 2010.

Dated: November 4, 2021  
New York, New York

Respectfully submitted

EPSTEIN BECKER & GREEN, P.C.

By: /s/ Jeffrey H. Ruzal  
Jeffrey H. Ruzal

875 Third Avenue  
New York, New York 10022  
(212) 351-4500  
JRuzal@ebglaw.com  
*Attorneys for Defendant*